REMARKS

Claims 1-65, 72 and 91 have been cancelled. Claims 106-152 have been withdrawn. Claims 153-157 are new. No claims have been allowed.

Examiner Interview

The undersigned, inventor Angus Campbell, and Examiners Michael Hobbs and William Beisner conducted a telephone interview on May 19, 2010. During the interview, inventor Angus Campbell explained the background for the instant invention, gave some examples of commercial embodiments incorporating the instantly claimed invention, and distinguished independent claim 66 over the prior art Franzen and Peguy references. Examiner Hobbs noted that the arguments made during the interview for claim 66 being patentably distinguishable over the cited Franzen and Peguy references were persuasive. Examiner Hobbs indicated that the current rejection would be withdrawn.

The undersigned, individually and on behalf of inventor Angus Campbell, wishes to thank the Examiners for the helpful suggestions offered and courtesies extended during the interview.

Specification

The Abstract was objected to for exceeding 150 words and for the use of the term "said" in line 12 thereof. Responsive thereto, Applicants have submitted a corrected Abstract. Applicants submit that no new matter was added by the corrections made to the Abstract. In view of the amendment to the Abstract made by Applicants, Applicants respectfully request that this rejection be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 66, 68, 73-79, 81, 83-86, 88, 89, 90, 92-97, 104 and 153-157 were rejected as obvious over WO 00/02832 A1 to Franzen et al. ("Franzen") in view of FR 2 597 764 A1 to Peguy ("Peguy").

Neither Franzen Nor Peguy Is A Device With A Single Vessel Which Shreds and Composts

As discussed during the interview, Franzen requires a separate external shredder with its own motor. The vessel of Franzen which composts and is relied upon for the rejection requires pre-shredded waste to be supplied to it. The waste is fed to the bottom of the compost vessel, which has rotating wings which lift materials to the top of the composting chamber to be discharged. Franzen simply has no capability of shredding and composting in a single vessel, as further explained below. By contrast, independent claim 66 requires size reduction means for reducing the size of waste material introduced into the vessel.

On the other hand, as was also discussed during the interview, Peguy teaches a shredder of the hammermill type but has no teaching of a composting technology. Instead, Peguy teaches an external shredder which would need to operate with a separate composting vessel if composting were desired. Again, Applicants teach and claim a single vessel in which shredding and composting take place.

A Skilled Artisan Would Not Combine Peguy and Franzen as Asserted in the Office Action

As was discussed during the interview, Franzen teaches a shaft having bevelled wings that rotate therewith, which produces an upward movement of the already shredded material. The angling of the wings is necessary to ensure this upward movement against gravity. Although it is suggested in the Office Action that it would have been obvious to replace the bevelled wings of Franzen with knives as disclosed by Peguy, Applicants respectfully traverse. First, Franzen teaches that a critical function of this device is the upward movement of the pre-shredded material by the rotating wings, which is achieved by the bevelled orientation of the wings. However, if the wings were instead configured to be blades, they would not cut through an un-shredded compost material and would likely twist or otherwise cause the device to fail. In re Gordon, 733 F.2d 900, 902 (Fed. Cir. 1984) (error to find obviousness where modifying a reference destroys the function or intended purpose of the device disclosed in the reference). As inventor Campbell discussed during the interview, bevelled blades are simply impossible to use where materials are sized reduced within the composting mass within the vessel, as occurs in

embodiments incorporating the present invention. A skilled artisan would therefore not be inclined to replace the bevelled wings of Franzen.

Furthermore, viewing the teachings of Franzen and Peguy as a whole, one of skill in the art would further be reluctant to combine these two references because Franzen teaches an invention whose purpose is to move pre-shredded material upward, against gravity, whereas Peguy teaches the opposite, feeding from the top and moving the material to be shredded downward, using the benefit of gravity.

The Combination of Franzen and Peguy Fail to Disclose All of Applicants' Claim Elements

Even if a skilled artisan replaced the bevelled wings of Franzen with blades as taught by Peguy, such skilled artisan would still not have a device including all elements recited in Applicants' claim 66. Specifically, Applicants' claim 66 requires cantilevered bars, blades or cutting plates ***rigidly mounted*** on the rotatable shaft and rotatable with the shaft. In stark contrast, as with all high-speed hammermill shredders, the rotating blades of the Peguy device are not rigidly mounted to the shaft. They are instead mounted on a hinge that allows the rotating blade to bounce around obstacles as is shown in Peguy Fig. 2, items 14-17 inclusive. Rotating blade 14 is hinge mounted 16 between two circular plates 15 with a stop 17 welded between each knife 14 onto one of the circular plates 15 in such a way that the knives 14 cannot touch during rotation.

Thus, one of skill in the arts incorporating the teachings of Peguy, namely, the hingeably mounted blades with the device of Franzen, would at best derive a vessel with a rotating shaft having cutting knives hingeably mounted thereto. However, as discussed, Applicants claim that the blades are ***rigidly mounted*** to the shaft.

Dependent Claims

As discussed during the interview, preferred embodiments of Applicants' invention use high torque low speed shaft rotation at less than 60 rpm and rotating blades that can effectively operate in both clockwise and counter clockwise directions. These features are recited in Applicants' dependent claims 86 and 94. As discussed during the interview, Peguy discloses a high speed low torque device, and neither Peguy nor Franzen teaches the capability of moving

the shaft in two directions. Indeed, it is necessary in Franzen to move the shaft in only one direction to promote the upward movement of the pre-shredded material as is taught by Franzen.

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CONCLUSION

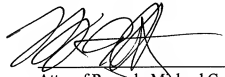
Applicants submit that all pending claims are allowable, and earnestly solicit allowance thereof.

In the event that there are any questions related to this response or the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application.

If necessary, Applicants request that this response be considered a request for an extension of time for a time appropriate for the response to be timely filed. Please charge any fees that may be due in connection with this Response to Bose McKinney & Evans LLP's Deposit Account No. 02-3223.

Respectfully submitted,

BOSE McKINNEY & EVANS LLP



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